
**Natural Resources, Ecology &
Parks Committee**

HB 1817

Brief Description: Improving recycling.

Sponsors: Representatives B. Sullivan, Ericks, Hinkle, Simpson, Buck, Murray, Hankins, Williams, Haigh and McDermott.

Brief Summary of Bill

- Establishes registration and permitting requirements for the transporters of recyclable materials and the facilities that receive recyclable materials.
- Makes it a misdemeanor for a transporter to deliver materials to a non-licensed facility, or for a facility to accept materials from a non-licenses transporter.

Hearing Date: 2/18/05

Staff: Jason Callahan (786-7117).

Background:

The Waste Not Washington Act of 1989 established a policy framework for waste reduction, reuse, and recycling that included setting a goal for the state to recycle 50 percent by 2007. In part, the purpose of the legislation is to encourage the development and operation of waste recycling facilities and to promote consistent requirements for the facilities [RCW 70.95.020].

Most facilities that handle solid waste, including recyclable materials, must maintain a solid waste handling permit from the health department with jurisdiction over the area, which can issue a permit only after consulting with the Department of Ecology (Department) [RCW 70.95.170]. Some solid waste handling facilities are exempt from this requirement. These include facilities that present little or no environmental risk, or that satisfies environmental performance requirements established for similar facilities [RCW 70.95.305]. Similarly, a local health department may defer permitting requirements for certain facilities that have obtained other permits that regulate air, water, or the environment [RCW 70.95.310].

Summary of Bill:

Recycling transporter requirements:

Definition of "transporter"

Any entity that offers services for hire consisting of either collecting or transporting recyclable materials from commercial generators is defined as a "transporter". The term does not include companies hauling their own recyclables, individuals transporting recyclables from their homes, certified haulers, local governments, or entities hauling recyclables for export.

Permit requirements

All transporters must obtain an annual transporter permit from the Department. It is a misdemeanor to transport recyclable materials without a valid transporter permit. The Department must provide the application forms for a transporter permit, and must assess an application fee of \$1,000. Revenues generated from the application fee is deposited into the Waste Reduction, Recycling, and Litter Control Account.

The Department is required to suspend a transporter permit if the permittee operates in violation of any applicable federal, state, or local regulation. It is the duty of the transporter to notify the department when he or she has violated an applicable regulation.

Transporter destinations

A transporter may only deliver recyclable materials to a recycling facility. It is a misdemeanor for a transporter to deliver recyclable materials to a transfer station or landfill for disposal. Prior to hauling recyclable material, all residual solid waste must be removed.

A transporter must maintain records of all locations and quantities of materials hauled. The records must indicate where the materials have been delivered and where the residual solid waste has been delivered. This information must be reported annually to the Department and maintained for two years by the transporter.

Inspections

All transporters are required to make their premises, facilities, and records available to the Department for inspections. The inspections can involve customer lists, storage areas, receipts from deliveries, and non-financial records.

Transporters are also required to provide the Department with updated contact information and the names of responsible company officials.

Recycling facilities

Definitions

A "recycling facility" is defined as any solid waste facility that is authorized to accept recyclable materials for recycling. The term includes manufacturers, recycling centers, and processing facilities.

Registration requirements

All recycling facilities are required to be registered with the Department, unless they have previously obtained a solid waste handling permit. It is a misdemeanor for a recycling facility to accept materials from a transporter without first obtaining an annual registration with the department.

An application for registration must be accompanied by a fee of no less than \$1,000. Revenues generated from the registration fee is deposited into the Waste Reduction, Recycling, and Litter Control Account.

Financial assurance requirements

All recycling facilities are required to obtain financial assurances for their operations. The amount of assurance is set by the Department, and must take into account the amounts and types of materials accepted, and the potential costs that could be associated with a closure of the facility.

Annual reports

All recycling facilities are required to submit an annual report to the Department and the appropriate local health district. The report must contain a description of the materials that are recycled at the facility, as well the tonnage of materials received, recycled, and disposed of at the facility.

Causes of action

Any violation of the requirements on transporters or recycling facilities can serve as a civil cause of action. The plaintiff in such a cause of action may request that a court grant injunctive relief against the transporter or facility, or award damages. The prevailing party in any court case brought under this cause of action is entitled to costs and attorneys' fees.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.